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THE HISTORY AND PRESENT POSITION OF THE BILL OF LADING AS A DOCUMENT OF TITLE TO GOODS. By W. P. Bennett, L. L. D. Cambridge University Press, (G. P. Putnam's Sons), 2-6 W. 45th St., New York. 1914. pp. viii, 101. \$1.25.

This essay contains interesting material on the history and origin of the bill of lading in English law. It also contains short chapters on this document of title in the laws of the continental countries of Europe, America and Japan. It is a brief summary of the various laws without a direct attempt to compare or contrast them.

M. C. L.

THE ENFORCEMENT OF DECREES IN EQUITY. By Charles Andrews Huston. Harvard University Press. 1915. pp. xxi, 189.

The volume is a reprint of a dissertation required of the author as a research scholar in the Harvard Law School in 1912-13, and is put forth as Harvard Studies in Jurisprudence, Volume I. While the title describes well enough the first half of the book, it is inadequate and rather mal apropos with reference to the more important second half. The author describes the volume as "an essay," but it is better described as two essays upon somewhat closely related but very different subjects.

The first essay points out the ineffective character of the historic indirect method of enforcing equity decrees by coercion upon the defendant, instancing this with many specific illustrations. It reviews the practices and powers of the courts of equity of the American state and federal systems, the statutes applicable being reprinted in the appendix, and sets forth the state of the civil law in similar matters. The development of equitable procedure in rem is sketched; the general adoption of uniform statutes which shall give courts of equity power directly to enforce their decrees is urged; and the advantages of such a method are pointed out. This portion of the volume is of practical value in noting a situation that requires reform, and in furnishing material which may be used as a basis for legislation.

The second case is, however, of greater value. It is a careful examination into the nature of the interest of the cestui que trust. The thesis of the writer is that the interest of the cestui que trust is now properly to be regarded as not merely an interest in personam against the trustee, but also as an interest in rem with respect to the trust property. Differing as this conception does so fundamentally from that of Maitland, Langdell, and Ames, and undoubtedly shared, in consequence, by the bulk of those who have come under their influence, particularly under the influence of Ames' Cases on Trusts, the essay must be regarded as a real contribution to legal scholarship. The author defines a right in rem as one that is given, not necessarily against all the world, but against an indefinite number, and proceeds to show that the rights of the cestui

are of this nature, notwithstanding the fact that his interest in the trust res is terminated by a sale of the trust property to a bona fide purchaser. This effect of a sale to a bona fide purchaser, the author argues, does not prove that the cestui's interest is merely in personam against the trustee, and he gives many instances where in courts of law admitted legal rights in rem are likewise cut off by a sale to a bona fide purchaser. He ascribes the protection of the bona fide purchaser in courts of equity to the regard which those courts had for the legal title; and he attributes this regard to a natural necessity for some formal stigma of title by which protection to a purchaser in business transactions can be assured. The chapters follow the divisions in the argument. The thesis is advanced with spirit, and the argument is concise and cogent. The explanations of established rules that do not at first sight seem to fit in with the proposed theory are satisfying. The independence of the writer's viewpoint makes one regret that he did not continue his discussion farther into the fields he points out but does not enter upon. His apology for going over a ground previously traversed is therefore wholly unnecessary. The contribution thoroughly justifies the journey.

B. G.

Books Received

THE LAW OF WILLS, EXECUTORS AND ADMINISTRATORS. By James Schouler. Matthew Bender & Co., 109 State St., Albany, N. Y. Vol. I, pp. lxxxiii, 862, Vol. II, pp. xcc, 1734. \$15.00.